

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: **1341/94**

Transfar Application No:

DATE OF DECISION: **20.1.1995**

Mohd. Usman A. Bari Petitioner

Mr. G.S. Walia Advocate for the Petitioners

Versus

U.O.I. & Ors. Respondent.

Mr. V.S. Masurkar Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri

Justice M.S. Deshpande, V.C.

The Hon'ble Shri

P.P. Srivastava, Member(A)

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A. NO. 1341/94

Mohd. Usman A. Bari

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, V.C.
Hon.Shri P.P.Srivastava, Member(A)

Appearance:

Mr. G.S.Walia

Counsel for the applicant

Mr. V.S.Masurkar

Counsel for the respondents

ORAL JUDGMENT:

(Per: M.S.Deshpande, Vice Chairman)


DATED: 20.1.1995

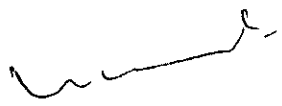
We have heard the Id. Counsel for the parties. The applicant who was the driver of one of the two trains which met with a head-on-collision came to be chargesheeted by the D.M.E. and ultimately an order of removal was passed by the D.M.E. In appeal the Appellate Authority modified the punishment and reverted the applicant. The Revisional Authority took up the matter and issued a show cause notice to the applicant and the applicant filed a reply to that show cause notice. It is therefore apparent that the departmental proceedings where the applicant could have shown cause as to why he should be regarded as innocent are still pending and the question is whether during the pendency of these departmental proceedings we should admit the matter and stay the further progress of the departmental proceedings.

2. Shri Walia, Id. counsel for the applicant urged that the illegality in holding departmental enquiry goes to the root of the case and it would be unfair to ask the applicant to face the proceedings before the Revisional Authority. We have heard the Id. counsel at length on the question and we do not think that the point raised by Shri Walia makes the position so obvious

that we could scuttle the departmental proceedings which are still at the stage of revision and the Revisional Authority in exercising its power. We do not think that we should admit the application at this stage since the revisional-proceedings are still going on and there the applicant can ventilate all his grievances.

3. We are, therefore, not admitting the application and leaving it free for the revisional authority to complete the revision-proceedings. We do not wish to express any opinion on merits of the contentions of the applicant as the applicant can approach this Tribunal if the revisional-proceedings were to be decided against him and it would then be open for him to raise all the pleas. The order to be passed in the revision shall not operate for a period of two weeks from the date of its communication to the applicant. With these directions the O.A. is disposed of.


(P.P. Srivastava)
Member(A)


(M.S. Deshpande)
Vice Chairman